**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.W.P.No.12830 of 2005**

**Date of Decision 21.11.2006**

**Karambir**

**...Petitioner**

**Versus**

**State of Haryana and others.**

**...Respondents**

**Corum : HON'BLE MR.JUSTICE M.M.KUMAR**
**HON'BLE MR.JUSTICE M.M.S.BEDI**

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**Present: Mr.S.K.Malik, Advocate**
**for the petitioner.**
**Mr. Harish Rathee, Sr. DAG, Haryana**
**For respondent Nos.1 and 2.**
**Mr.Narender Hooda, Advocate,**
**for respondent No.3.**

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**M.M.KUMAR,J.**

**The prayer made by the petitioner in the instant petiton is that order dated 7.3.2005 declining his request for regularisation of the post (Annexure P-3) by the respondent, be set aside and direction be issued to regularise the services of the petitioner under the Policy of Regularisation issued by the Govt. of Haryana on 1.10.2003.**

**The petitioner has been appointed as Assistant Fitter on daily wages in April, 2004. He has worked on the aforementioned post with some breaks. The prayer made by the petitioner is that in accordance with the**

Govt. Policy dated 1.10.2003, his services be regularised. However, on account of the law laid down by a Constitution Bench of Hon'ble the Supreme Court in the case Secretary State of Karnataka v. Uma Devi (2006) 4 SCC 1 and duly followed by a Division Bench of this Court in case Rajinder Kumar v. State of Haryana 2006(2) PLR 474, we are unable to accept the prayer made by the petitioner as there is nothing on the record to show that the petitioner was engaged by the respondent by issuing advertisement inviting applications for filling up of the post from the open market, after consideration of all the competing claims. Therefore, his appointment cannot be said to be consistent with the principles laid down in Articles 14 and 16(1) of the Constitution.

Accordingly, the writ petition is dismissed.

(M.M.KUMAR)
JUDGE

(M.M.S.BEDI)
JUDGE

21.11.2006
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